NOTICE OF ALLOWANCE AND FEE(S) DUE

26517　　　7590　　　11/10/2010		EXAMINER
WOOD, HERRON & EVANS, L.L.P. (IBM) 2700 CAREW TOWER 441 VINE STREET CINCINNATI, OH 45202		COPPOLA, JACOB C

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 11/10/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/431,833	11/02/1999	JOSEPH PHILLIP BIGUS	IBM/02B	9272

TITLE OF INVENTION: INTELLIGENT AGENT WITH NEGOTIATION CAPABILITY AND METHOD OF NEGOTIATION THEREWITH

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$1510	$0	$0	$1510	02/10/2011

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: <u>Mail</u> Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or <u>Fax</u> (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

26517   7590   11/10/2010

WOOD, HERRON & EVANS, L.L.P. (IBM)
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/431,833	11/02/1999	JOSEPH PHILLIP BIGUS	IBM/02B	9272

TITLE OF INVENTION: INTELLIGENT AGENT WITH NEGOTIATION CAPABILITY AND METHOD OF NEGOTIATION THEREWITH

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$1510	$0	$0	$1510	02/10/2011

EXAMINER	ART UNIT	CLASS-SUBCLASS
COPPOLA, JACOB C	3621	705-080000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

❑ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

❑ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE   (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) :   ❑ Individual   ❑ Corporation or other private group entity   ❑ Government

4a. The following fee(s) are submitted:
❑ Issue Fee
❑ Publication Fee (No small entity discount permitted)
❑ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)
❑ A check is enclosed.
❑ Payment by credit card. Form PTO-2038 is attached.
❑ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)
❑ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.   ❑ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____   Date _____

Typed or printed name _____   Registration No. _____

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/431,833	11/02/1999	JOSEPH PHILLIP BIGUS	IBM/02B	9272

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EXAMINER
COPPOLA, JACOB C

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 11/10/2010

Determination of Patent Term Extension under 35 U.S.C. 154 (b)
(application filed after June 7, 1995 but prior to May 29, 2000)

The Patent Term Extension is 0 day(s). Any patent to issue from the above-identified application will include an indication of the 0 day extension on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Extension is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

	Application No.	**Applicant(s)**	
Notice of Allowability	09/431,833	BIGUS ET AL.	
	Examiner	**Art Unit**	
	JACOB C. COPPOLA	3621	

-- ***The MAILING DATE of this communication appears on the cover sheet with the correspondence address--***
All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included
herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS
NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative
of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *the interview on 22 October 2010*.

2. ☒ The allowed claim(s) is/are *54,56,59-61,107,109 and 112-116*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some* c) ☐ None of the:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

       3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the
           International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements
noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF
    INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of
      Paper No./Mail Date _____.

   **Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of
   each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the
    attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)
1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
    Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
    of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
    Paper No./Mail Date _____ .
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/JACOB C. COPPOLA/
Examiner, Art Unit 3621

DETAILED ACTION

Acknowledgements

1.   This Office Action is in reply to Applicants' response filed on 30 June 2010 ("2010 June Response") and to the interview on 22 October 2010.

2.   Prior to this Office Action, claims 54, 56, 57, 59-61, 104, 105, 107, 109, 110, and 112-116 were pending.

3.   Claims 57, 104, 105, and 110 have been cancelled by Examiner's Amendment, as shown below.

4.   Claims 54, 56, 59-61, 107, 109, and 112-116 are now pending and have been allowed.

5.   This Office Action is given Paper No. 20101028. This number is for reference purposes only.

EXAMINER'S AMENDMENT

6.   An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicants, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

7.   Authorization for this Examiner's amendment was given in a telephone interview with Mr. Stinebruner on 27 October 2010.

8. The application has been amended as follows:

Claim 54: (Currently Amended) A method of identifying an unknown party interacting with an intelligent agent, the method comprising, in a computer that includes at least one processor, executing a program to perform the steps of:

determining a plurality of attributes related to the unknown party, wherein the unknown party is a party other than a client that has delegated at least one task to the intelligent agent;

comparing the plurality of attributes for the unknown party with attributes related to a plurality of known parties; and

identifying the unknown party as the known party having attributes that most closely match those of the unknown party;

wherein the unknown party is an intelligent agent configured to conduct electronic transactions, [[and]] wherein the plurality of attributes is selected from the group consisting of an agent name, a client name, a bank name, a bank account number, a credit card number, a homebase location, an agent program name, or a location or name of a source with which the unknown party communicates, and combinations thereof wherein each of the plurality of attributes has a weighting factor associated therewith, wherein the comparing step calculates an accumulated weighting factor for each known party by summing the weighting factors of the attributes of the known party which match those of the unknown party, and wherein the identifying step identifies the unknown party as the known party with the largest accumulated weighting factor.

Claim 56: (Currently Amended) The method of claim 54, wherein the comparing step includes the step of accessing a database including a plurality of records, each record associated with a known party and including the plurality of attributes related to the known party thereto.

Claim 57: (Canceled).

Claim 60: (Currently Amended) An apparatus for identifying an unknown party interacting with an intelligent agent, comprising:

at least one processor;

a database including a plurality of records, each record associated with a known party and including a plurality of attributes related to the known party thereto; and

an identification module, coupled to the database, the identification module comprising instructions configured upon execution by the at least one processor to compare a plurality of attributes for the unknown party with those of each known party and to identify the unknown party as the known party having attributes that most closely match those of the unknown party, wherein the unknown party is a party other than a client that has delegated at least one task to the intelligent agent;

wherein the unknown party is an intelligent agent configured to conduct electronic transactions, [[and]] wherein the plurality of attributes are selected from the group consisting of an agent name, a client name, a bank name, a bank account number, a credit card number, a homebase location, an agent program name, or a location or name of a source with which the unknown party communicates, and combinations thereof wherein each of the plurality of attributes has a weighting factor associated therewith, and wherein the identification module is configured to calculate an accumulated weighting factor for each known party by summing the weighting factors of the attributes of the known party which match those of the unknown party, and to identify the unknown party as the known party with the largest accumulated weighting factor.

Claim 61: (Currently Amended) A program product comprising:

a recordable computer readable medium; and

a program stored on the recordable computer readable medium and configured upon execution to perform a method of identifying an unknown party interacting with an intelligent agent, the method comprising the steps of:

determining a plurality of attributes related to the unknown party, wherein the unknown party is a party other than a client that has delegated at least one task to the intelligent agent;

comparing the plurality of attributes for the unknown party with attributes

related to a plurality of known parties; and

identifying the unknown party as the known party having attributes that

most closely match those of the unknown party;

wherein the unknown party is an intelligent agent configured to conduct electronic

transactions, [[and]] wherein the plurality of attributes are selected from the group consisting of

an agent name, a client name, a bank name, a bank account number, a credit card number, a

homebase location, an agent program name, or a location or name of a source with which the

unknown party communicates, ~~and combinations thereof~~ wherein each of the plurality of

attributes has a weighting factor associated therewith, and wherein the program is configured to

calculate an accumulated weighting factor for each known party by summing the weighting

factors of the attributes of the known party which match those of the unknown party, and to

identify the unknown party as the known party with the largest accumulated weighting factor.

Claim 104: (Canceled).

Claim 105: (Canceled).

Claim 109: (Currently Amended) The program product of claim 61, wherein the program

is configured to access a database including a plurality of records, each record associated with a

known party and including the plurality of attributes related to the known party ~~thereto~~.

Claim 110: (Canceled).

Claim 113: (Currently Amended) A method of identifying an unknown party interacting

with a first intelligent agent, the method comprising, in a computer that includes at least one

processor, executing a program to perform the steps of:

determining a plurality of attributes related to the unknown party, wherein the

unknown party is a second intelligent agent interacting with the first intelligent agent;

comparing the plurality of attributes for the unknown party with attributes related to a plurality of known parties; and

identifying the unknown party as the known party having attributes that most closely match those of the unknown party;

wherein the unknown party is configured to conduct electronic transactions, [[and]] wherein the plurality of attributes is selected from the group consisting of an agent name, a client name, a bank name, a bank account number, a credit card number, a homebase location, an agent program name, or a location or name of a source with which the unknown party communicates, and combinations thereof wherein each of the plurality of attributes has a weighting factor associated therewith, wherein the comparing step calculates an accumulated weighting factor for each known party by summing the weighting factors of the attributes of the known party which match those of the unknown party, and wherein the identifying step identifies the unknown party as the known party with the largest accumulated weighting factor.

Claim 114: (Currently Amended) A method of identifying an unknown party interacting with an intelligent agent, the method comprising, in a computer that includes at least one processor, executing a program to perform the steps of:

determining a plurality of attributes related to the unknown party;

comparing the plurality of attributes for the unknown party with attributes related to a plurality of known parties;

identifying the unknown party as the known party having attributes that most closely match those of the unknown party; and

controlling a behavior of the intelligent agent when interacting with the unknown party based upon the identification of the unknown party;

wherein the unknown party is an intelligent agent configured to conduct electronic transactions, [[and]] wherein the plurality of attributes is selected from the group consisting of an agent name, a client name, a bank name, a bank account number, a credit card number, a homebase location, an agent program name, or a location or name of a source with which the unknown party communicates, and combinations thereof wherein each of the plurality of attributes has a weighting factor associated therewith, wherein the comparing step calculates an

accumulated weighting factor for each known party by summing the weighting factors of the attributes of the known party which match those of the unknown party, and wherein the identifying step identifies the unknown party as the known party with the largest accumulated weighting factor.

Reasons for Allowance

9.   The following is an Examiner's statement for reasons for allowance:

10.   As an initial matter, the Examiner finds that the claimed "intelligent agent" is a term of art. As evidence that the phrase "intelligent agent" is a term of art, the Examiner points to Slotznick (U.S. 5,983,200 A). In addition to the defining features of the claims, the Examiner interprets the claimed phrase "intelligent agent" to have the same meaning as defined by Slotznick at c. 13, l. 37 – c. 14, l. 13.

11.   Under this interpretation of intelligent agent, and when viewing each independent claim as a whole, there is no prior art of record that identifies an unknown intelligent agent using a calculated sum of weighting factors.

12.   Moreover, regarding the claimed terms, the Examiner notes that a "general term must be understood in the context in which the inventor presents it." *In re Glaug* 283 Fo3d 1335, 1340, 62 USPQ2d 1151, 1154 (Fed. Cir. 2002). Therefore the Examiner must interpret the claimed terms as found on pages 1-59 of the original specification. Clearly almost all the general terms in the claims may have multiple meanings. So where a claim term "is susceptible to various meanings… the inventor's lexicography must prevail…." *Id*. Using these definitions for the claims, the claimed invention was not reasonably found in the prior art.

13.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to JACOB C. COPPOLA whose telephone number is (571) 270-3922. The Examiner can normally be reached on Monday - Friday, 9 am - 5 pm.

14.   If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew J. Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

15.   Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JACOB C. COPPOLA/
Examiner, Art Unit 3621
28 October 2010

/ANDREW J. FISCHER/
Supervisory Patent Examiner, Art Unit 3621